

BEESON, TAYER & BODINE, PC
Teague P. Paterson (SBN. 226659)
1404 Franklin Street, Fifth Floor
Oakland, California 94612
Telephone: (510) 625-9700
Facsimile: (510) 625-8275
Email: tpaterson@beesontayer.com

Attorneys for Plaintiffs
TRUSTEES OF THE WESTERN CONFERENCE OF
TEAMSTERS SUPPLEMENTAL BENEFIT PLAN AND FUND

SEYFARTH SHAW LLP
James M. Nelson (SBN 116442)
James D. McNairy (SBN 230903)
400 Capitol Mall, Suite 2350
Sacramento, California 95814-4428
Telephone: (916) 448-0159
Facsimile: (916) 558-4839
Email: jmnelson@seyfarth.com
Email: jmcnairy@seyfarth.com

Attorneys for Defendant
ABF FREIGHT SYSTEMS, INC.

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRUSTEES OF THE WESTERN
CONFERENCE OF TEAMSTERS
SUPPLEMENTAL BENEFIT PLAN AND
FUND

Plaintiffs,

V.

ABF FREIGHT SYSTEMS, INC.

Defendant.

Case No. 3:06-cv-5835 PJH

**AMENDED STIPULATION
REGARDING MODIFICATION TO
PRE-TRIAL SCHEDULING ORDER
AND ORDER**

Judge: Hon. Phyllis J. Hamilton
Courtroom 3, 17th Floor

Plaintiffs TRUSTEES OF THE WESTERN CONFERENCE OF TEAMSTERS
SUPPLEMENTAL BENEFIT PLAN AND FUND and defendant ABF FREIGHT SYSTEMS,
INC. through their attorneys of record, have met and conferred on a number of issues flowing
from the initial disclosures and efforts to responsibly and cost effectively manage the issues,
various discovery disputes and the production of documents thereunder. The parties have also

received the court's input on their prior stipulation, and in particular, the court's disinclination to depart from its standard practice of permitting one and only one summary judgment motion per side per case. The parties stipulate and jointly respectfully request the Court to modify its case management and pretrial order and bifurcate the action as follows:

1. The time frame covered by the action shall be limited to the period January 1, 1991 to December 31 2002.
2. The action shall be bifurcated into two parts.
3. In Phase I, the parties will conduct discovery and Defendant will file a dispositive motion regarding the statute of limitations/laches issues such that Defendant's motion for summary judgment and/or adjudication would be filed by June 6, 2007 as currently scheduled with the hearing on Defendant's motion remaining set for July 11, 2007. Discovery during this phase will be limited to the issues to be covered by the motion.
4. All other dates in the Case Management and Pretrial Order are vacated.
5. If the Court's ruling on the Phase I motion does not resolve the action or otherwise lead to a prompt resolution between the parties, a case management conference would be promptly scheduled for Phase II which would entail all remaining discovery and determination of the remaining issues in the case. A prompt settlement conference may also be appropriate to schedule at that time.
6. The parties acknowledge the communication from the court to the effect that the court is disinclined to depart from its standing practice of allowing more than one summary judgment motion per party and while Defendant does not waive its right to make a future request, this stipulation is not dependant nor contingent upon the court changing its position in this regard.

///

///

///

///

7. Discovery and resolution of discovery disputes unrelated to Phase I issues shall be stayed and addressed in Phase II. To the extent this case is not resolved after or as a result of Phase I, Plaintiff anticipates filing its motion for summary judgment once Phase II discovery is completed.

DATED: March 28, 2007

BEESON, TAYER & BODINE, PC

By _____ /s/
Teague P. Paterson
Attorneys for Plaintiff
TRUSTEES OF THE WESTERN
CONFERENCE OF TEAMSTERS
SUPPLEMENTAL BENEFIT PLAN AND
FUND

DATED: March 28, 2007

SEYFARTH SHAW LLP

By _____ /s/
James M. Nelson
James D. McNairy
Attorneys for Defendant
ABF FREIGHT SYSTEMS, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: March 29, 2007

UNITED STATES

